

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <u>Shelter Island Yachtways, a California limited Partnership dba Shelter Island Boatyard</u>	COURT CASE NUMBER <u>07 CV 2015 DMS WMC</u>
DEFENDANT <u>MIY SUNDANCE, Official No. 521498, a Hatteras Motoryacht of approx. 33 ft. in length and all her engines, etc.</u>	TYPE OF PROCESS <u>In Rem Publication</u>
SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <u>Please publish notice in Daily Transcript</u>	
AT ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <u>2131 Third Ave, San Diego, CA 92101</u>	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	

Weiss & Jones
Attn: Philip Weiss, Esq.
1551 Shelter Island Dr.
San Diego, CA 92106

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

1

2007

OCT 29

RECEIVED

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please publish notice of Vessel Arrest in the Daily Transcript as statutorily mandated.
Thank you.

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

619-225-8884

DATE

10.16.07

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin <u>98</u>	District to Serve <u>98</u>	Signature of Authorized USMS Deputy or Clerk <u>W Scott</u>	Date <u>10/29/07</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service
11/08/07

Signature of U.S. Marshal or Deputy

Jo-Ann Dism

Service Fee <u>\$8.00</u>	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges <u>\$8.00</u>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: 11/8/07 - Forwarded H/C of sale to SD Transcript

ORIGINAL

WEISS & JONES
 Philip E. Weiss, Esq.
 1551 Shelter Island Drive
 San Diego, California 92106
 Telephone: (619) 225-8884
 Facsimile: (619) 225-8801

Attorneys for Plaintiff

SHELTER ISLAND YACHTWAYS, LTD.
 a California Limited Partnership,
 dba SHELTER ISLAND BOATYARD

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

SHELTER ISLAND YACHTWAYS, LTD., a
 California Limited Partnership dba SHELTER
 ISLAND BOATYARD,

Plaintiff,

v.

M/Y SUNDANCE, Official No. 521498, A
 HATTARAS MOTORYACHT OF
 APPROXIMATELY 33 FEET IN LENGTH
 AND 12 FEET IN BEAM, AND ALL OF HER
 ENGINES, TACKLE, ACCESSORIES,
 EQUIPMENT, FURNISHINGS AND
 APPURTENANCES, *in rem*,

Defendant.

Case No. 07 CV 2015 DMS WMc

IN ADMIRALTY

NOTICE OF VESSEL ARREST

IN ADMIRALTY

F.R.C.P. Supplemental Admiralty
 Rules C and E.

46 U.S.C. Sections 30101-31343

NOTICE IS HEREBY GIVEN pursuant to Rules C and E of the Supplemental Rules
 for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and
 Local Rules of the United States District Court in and for the Southern District of California
 that on the 8th day of November, 2007, the United States Marshal arrested, seized and took
 into its possession the vessel M/Y SUNDANCE, Official No. 521498, a Hattaras Motoryacht
 of approximately 33 Feet in Length and 12 Feet in Beam, AND ALL OF HER ENGINES,
 TACKLE, ACCESSORIES, EQUIPMENT, FURNISHINGS AND APPURTENANCES, for

1 the causes set forth in the Verified Complaint, to wit: Trespass, Fraud In The Inducement,
2 Breach of Implied Maritime Contract and Quantum Meruit, now pending in the United States
3 District Court for the Southern District of California, at San Diego.

4 The amount demanded in the Verified Complaint is the sum of \$66.00 per day
5 beginning September 17, 2007 and continuing until such time as the DEFENDANT VESSEL
6 is either removed from Plaintiff's premises or until she is taken into custody by the U.S.
7 Marshal, pursuant to Order of this Court, plus prejudgment interest and costs of suit
8 (including attorneys' fees).

9 This arrest was made pursuant to an Order and Warrant for Arrest issued by the Clerk
10 of the Court on or about November 8, 2007.

11 I hereby give notice to all persons claiming any interest in said DEFENDANT
12 VESSEL, or having anything to say why the same should not be condemned and forfeited,
13 that they file their claims pursuant to Rule C(6), Supplemental Rules to the Federal Rules of
14 Civil Procedure, with the Clerk of the United States District Court, at San Diego, and serve a
15 copy of it on attorneys for plaintiff, WEISS & JONES, within ten days after the date of first
16 publication, or within such additional time as the Court may allow, and must serve their
17 answers within twenty days after the filing of their claims, and that all interested persons

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1 should file claims and answers within the times so fixed; otherwise, default will be noted and
2 condemnation ordered against any such person not so complying.

3 DATED: November 8th, 2007


4 STEVEN C. STAFFORD

5 Acting United States Marshal

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7 By: Toni Wheatley Dusen
8 Toni Wheatley
9 Deputy U.S. Marshal

10 SUBMITTED ON OCTOBER 29, 2007

11 WEISS & JONES

12 
13 By Philip E. Weiss
14 Attorney for Plaintiff
15 SHELTER ISLAND YACHTWAYS, LTD,
16 a California Limited Partnership,
17 dba SHELTER ISLAND BOATYARD
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